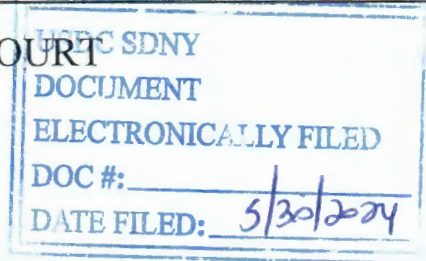


UNITED STATES DISTRICT COURT

for the

Southern District of New York



United States of America

v.

Daniel Rivera

Date of Original Judgment: 12/06/2021

Date of Previous Amended Judgment: _____

(Use Date of Last Amended Judgment if Any)

Case No: 19 CR 759-01 (CM)

USM No: 87109-054

Irving Cohen

Defendant's Attorney

ORDER REGARDING MOTION FOR SENTENCE REDUCTION PURSUANT TO 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☒ **DENIED.** ☐ **GRANTED** and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months is reduced to _____.
(See Page 2 for additional parts. Complete Parts I and II of Page 2 when motion is granted)

The November 1, 2023, edition of the Guidelines Manual amended the enhancement for committing the instant offense while on a criminal justice sentence at USSG §4A1.1(e) ("status points") and created a reduction in the offense level for zero-point offenders at USSG §4C1.1. Pursuant to §1B1.10, these amendments have been made retroactive.

The defendant is precluded from a sentence reduction because the Total Offense Level and Criminal History Category do not change as a result of these guideline amendments.

Except as otherwise provided, all provisions of the judgment dated _____ shall remain in effect.

IT IS SO ORDERED.

Order Date: 05/29/2024

Judge's signature

Effective Date: _____
(if different from order date)

Colleen McMahon, U.S.D.J.

Printed name and title